REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated July 7, 2008. Applicants amend Claims 1, 10-12, 14, and 22 for purposes of advancing prosecution. Applicants previously canceled Claims 2-3, 5-7, and 17-19 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

Claims 1, 4, 10-16, 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,192,512 issued to Chess ("*Chess*") in view of U.S. Patent No. 5,389,196 issued to Chambers ("*Chambers*"). Applicants respectfully traverse this rejection. Claim 1 recites:

> A method of detecting viral code in subject files, comprising:
> creating an artificial memory region spanning one or more components of the operating system, wherein the artificial memory region is associated with an export table of a dynamically-linked library;
> emulating execution of at least a portion of computer executable code in a subject file;
> monitoring attempts by the emulated computer executable code to access the artificial memory region;
> in response to detecting an attempt to access the artificial memory region, determining an export table entry in the export table of the dynamically-linked library that is associated with the attempt to access the artificial memory region; and
> determining based on the export table entry associated with the attempt to access the artificial memory region that the emulated computer executable code is viral.

The proposed *Chess-Chambers* combination fails to disclose, teach, or suggest every element of Claim 1 for at least several reasons. First, the proposed *Chess-Chambers* combination fails to disclose "creating an artificial memory region spanning one or more components of the operating system, wherein the artificial memory region is associated with an export table of a dynamically-linked library." Second, the proposed *Chess-Chambers* combination fails to disclose "in response to detecting an attempt to access the artificial memory region, determining an export table entry in the export table of the dynamically-linked library that is associated with the attempt to access the artificial memory region." Third, the proposed *Chess-Chambers* combination fails to disclose "determining based on the export table entry associated with the attempt to access the artificial memory region that the

emulated computer executable code is viral." As a result, the proposed *Chess-Chambers* combination fails to disclose, teach, or suggest every element of Claim 1, as discussed further below.

i. "creating an artificial memory region spanning one or more components of the operating system, wherein the artificial memory region is associated with an export table of a dynamically-linked library"

The proposed *Chess-Chambers* combination fails to disclose "creating an artificial memory region spanning one or more components of the operating system, wherein the artificial memory region is associated with an export table of a dynamically-linked library" as recited by Claim 1. In addressing the "creating an artificial memory region . . ." element of the previously-presented Claim 1, the Office Action cites to a portion of *Chess* that discloses only that:

> By example, if it is found that the source program unexpectedly attempts to access a virtualized mass storage medium, and/or to create one or more copies of itself in a region of virtualized memory, or in a virtual file, then the external program can be informed of the potentially viral nature of the source program.
>
> *Chess*, col. 5, ll. 49-54.

The cited portion of *Chess*, however, fails to disclose "creating an artificial memory region spanning one or more components of the operating system, *wherein the artificial memory region is associated with an export table of a dynamically-linked library*" (emphasis added). Combining *Chess* with *Chambers* fails to remedy this deficiency as *Chambers* also fails to disclose this element. In particular, neither *Chess* nor *Chambers* discloses at least "an artificial memory region . . . associated with an export table of a dynamically-linked library." As a result, the proposed *Chess-Chambers* combination fails to disclose "creating an artificial memory region spanning one or more components of the operating system, wherein the artificial memory region is associated with an export table of a dynamically-linked library" as recited by amended Claim 1.

ii. "in response to detecting an attempt to access the artificial memory region, determining an export table entry in the export table of the dynamically-linked library that is associated with the attempt to access the artificial memory region"

The proposed *Chess-Chambers* combination also fails to disclose "in response to detecting an attempt to access the artificial memory region, determining an export table entry in the export table of the dynamically-linked library that is associated with the attempt to access the artificial memory region" as recited by amended Claim 1. The cited portions of both *Chess* and *Chambers* fail to disclose any manner of "determining an export table entry in [an] export table of [a] dynamically-linked library that is associated with [an] attempt to access the artificial memory region." As a result, the proposed *Chess-Chambers* combination fails to disclose "in response to detecting an attempt to access the artificial memory region, determining an export table entry in the export table of the dynamically-linked library that is associated with the attempt to access the artificial memory region" as recited by Claim 1.

iii. "determining based on the export table entry associated with the attempt to access the artificial memory region that the emulated computer executable code is viral"

The proposed *Chess-Chambers* combination also fails to disclose "determining based on the export table entry associated with the attempt to access the artificial memory region that the emulated computer executable code is viral" as recited by amended Claim 1. In addressing the "determining . . ." element of the previously-presented Claim 1, the Office Action references the same portion of *Chess* discussed above. Specifically, the Office Action cites to a portion of *Chess* that states only that:

> By example, if it is found that the source program unexpectedly attempts to access a virtualized mass storage medium, and/or to create one or more copies of itself in a region of virtualized memory, or in a virtual file, then the external program can be informed of the potentially viral nature of the source program.
>
> *Chess*, col. 5, ll. 49-54.

The cited portion, however, fails to disclose determining anything "based on [an] export table entry associated with [an] attempt to access the artificial memory region." As a result, *Chess* fails to disclose "determining *based on the export table entry associated with the attempt to access the artificial memory region* that the emulated computer executable code is viral" (emphasis added). Combining *Chess* with *Chambers* fails to remedy this

deficiency as *Chambers* also fails to disclose this element. As a result, the proposed *Chess-Chambers* combination fails to disclose "determining based on the export table entry associated with the attempt to access the artificial memory region that the emulated computer executable code is viral" as recited by amended Claim 1.

As a result, the proposed *Chess-Chambers* combination fails to disclose every element of amended Claim 1. Claim 1 is thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, amended Claims 10-12 and 14 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not disclosed by *Chambers*. Claims 10-12 and 14 are thus allowable for at least these reasons. Applicants respectfully request reconsideration and allowance of Claims 10-12 and 14, and their respective dependents.

Conclusions

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge the $810.00 RCE filing fee and any other required fees or to credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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